

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**WALTER NORWOOD**

**PLAINTIFF**

**vs.**

**CAUSE NO.: 3:4CV810WHB-AGN**

**WALNUT GROVE YOUTH CORRECTIONAL FACILITY,  
TUSCOLAMETA, INC., et al**

**DEFENDANTS**

**RESPONSE TO ORDER TO SHOW CAUSE**

\_\_\_\_\_Plaintiff Walter Norwood files this Response to Shaw Cause and in support thereof, states as follows:

1. This matter was originally filed on or about October 1, 2004. At that time, the attorneys for Plaintiff were John G. Holaday (hereinafter referred to as “the undersigned counsel”) and James E. Price, III. Mr. Price was the primary attorney for the Plaintiff. Mr. Price associated the undersigned counsel on the case. However, shortly after the association began, the undersigned counsel was terminated from the representation due to conflicts between Mr. Price and the undersigned counsel.

2. After the termination of the undersigned counsel, Mr. Price associated another attorney, Michael V. Cory, on the case. After filing an Amended Complaint, Mr. Cory decided to end his representation of the Plaintiff. Since Mr. Cory’s departure from the case, the only active attorney on the case for the Plaintiff has been Mr. Price.

3. In late January of 2006, the undersigned counsel was contacted by this Court and the

Plaintiff. Prior to this contact, the undersigned had taken no action on this case nor had he spoken to the Plaintiff, as he had been terminated from the case over one year prior to the January 2006 communications. In these communications in January of 2006, the undersigned counsel learned for the first time that Mr. Price had taken no action in the case after filing the First Amended Complaint with the assistance of Mr. Cory. Also in these communications, the undersigned counsel learned for the first time that Mr. Price has recently been disbarred by the Mississippi State Bar. The undersigned counsel obtained this information from the Plaintiff's aunt who conveyed that she only recently learned of Mr. Price's disbarment from a local newspaper. The Plaintiff conveyed that he had no idea that Mr. Price had been disbarred, until he was recently told by his aunt.

4. On or about January 27, 2006, this Court entered an Order to Show Cause why this case should not be dismissed for failure to prosecute and gave the Plaintiff until tomorrow, Wednesday, February 15, 2006, within which to respond. The undersigned counsel has met with the Plaintiff. The Plaintiff requested that the undersigned counsel get back into this case as his attorney. The undersigned counsel has agreed to the representation under certain very limited circumstances.

5. The undersigned counsel communicated this fact to Anne Nelson, this Court's Administrator, by telephone today. Ms. Nelson directed the undersigned counsel to file this Response and to contact Judge Nichols' chambers to have a Case Management Conference set in this matter. The undersigned counsel telephoned Judge Nichols' chambers immediately after the call with Ms. Nelson. Judge Nichols' staffmember indicated that Judge Nichols would take action to set the Case Management Conference, once this Court had issued an Order on the show cause issues.

6. The Plaintiff hereby respectfully requests that the Court not dismiss this action due

to a failure to prosecute and that this case be allowed to continue along the track to be set by the Court. The failure to prosecute this case is due to the inaction of the primary attorney on the case who has been disbarred. Plaintiff had no knowledge of the disbarment or of the inaction in the case until the Order to Show Cause had already been entered by this Court. If there is anything else that needs to be done by the Plaintiff to assure that this case is not dismissed, then the Plaintiff respectfully requests that the Court notify him of same through counsel and give him the opportunity to take such action.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff respectfully requests that this case not be dismissed for failure to prosecute for the above stated reasons and that this case be allowed to continue along the track to be set by the Court.

This the 14th day of February, 2006.

Respectfully submitted,

HOLADAY, YODER, MOOREHEAD & EATON

/s/ John G. Holaday  
JOHN G. HOLADAY

Of Counsel:

JOHN G. HOLADAY, MSB #9814  
ATTORNEY FOR PLAINTIFF:  
HOLADAY, YODER, MOOREHEAD & EATON  
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Jackson, MS 39201  
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(601) 969-1808 (facsimile)

**CERTIFICATE OF SERVICE**

I, John G. Holaday, do hereby certify that I have this date caused to be transmitted via electronic mail and United States Mail a true and correct copy of the above and foregoing to Lee Thaggard, Bourdeaux & Jones, P.O. Box 2009, Meridian, Mississippi 39302-2009, and James E. Price, III, 644 Lakeland Dr. East, Suite A, Flowood, Mississippi 39232.

This the 14th day of February, 2006.

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/s/ John G. Holaday  
JOHN G. HOLADAY